

AGENDA
TRAVERSE CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, SEPTEMBER 8, 2015
7:00 P.M.
Committee Room, Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464

- 1. CALL MEETING TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES-** Approval of the June 9, 2015 regular meeting minutes.
- 4. REQUEST 15-BZA-10 – A REQUEST FROM ROBERT AND ELIZABETH CALLAGHAN, 444 SOUTH EAST BAL BOULEVARD, MICHIGAN for:**

A dimensional variance to allow for a new detached garage to be 1 foot, 4 inches from the rear (west) property line and 2 feet from the side (north) property line located at the property mentioned.
- 5. CONSIDERATION OF ADOPTING RULES AND PROCEDURES FOR THE CITY OF TRAVERSE CITY BOARD OF ZONING APPEALS.**
- 6. PUBLIC COMMENT**
- 7. OTHER BUSINESS**
- 8. ADJOURNMENT**

The City of Traverse City does not discriminate on the basis of disability in the admission or access to or treatment or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan, 49684, 922-4481, T.D.D., 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator. If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

**MINUTES
TRAVERSE CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, JUNE 9, 2015
7:00 P.M.
Committee Room, Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464**

PRESENT: Members Jones, Raferty, Wegener, Hanley, Matson and Vice-Chairperson Callison and Chairperson Cockfield.

ABSENT: Members Szajner, Bergman, Lomasney and Donaldson.

1. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES- Approval of the May 12, 2015 regular meeting minutes.

Motion by Member Wegener, seconded by Member Hanley to approve the May 12, 2015 regular meeting minutes as presented. Upon vote the motion carried 7-0.

3. REQUEST 15-BZA-08 – A REQUEST FROM JUDY AND BRUCE BALAS, 4548 OMENA POINT ROAD, OMENA, MICHIGAN for:

An 8.4 foot dimensional variance to allow for a rear addition (1'-6" x 10'-4") to be 16.6 feet from the rear property line located at the property commonly known as **213 Franklin Street**, Traverse City, Michigan.

Judy Balas presented drawings and answered questions from the Board.

There was no public comment on the request.

Motion by Member Matson, seconded by Member Callison to grant an 8.4 foot dimensional variance to allow for a rear addition (1'-6" x 10'-4") to be 16.6 feet from the rear property line located at the property commonly known as 213 Franklin Street, Traverse City, Michigan, based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 15-BZA-08. Upon vote the motion carried 6-1 with Chairperson Cockfield voting in opposition.

4. REQUEST 15-BZA-09 – A REQUEST FROM BOB CORNWELL, 401 EAST FRONT STREET, TRAVERSE CITY, MICHIGAN for:

A dimensional variance of 4 feet to allow for a proposed 4-story mixed use building have a height of 49 feet, a dimensional variance of 15 feet to allow for a rooftop vestibule with seasonal restrooms have a height of 60 feet and a dimensional variance to have the top of the first floor to the top of the second floor height be less than 15 feet located at the properties commonly known as **207, 211 and 221 West Grandview Parkway**, Traverse City, Michigan.

Bob Cornwell presented drawings and answered questions from the Board.

Public Comment was opened.

Ellen Fivenson, 717 Bloomfield Road, Traverse City, Michigan spoke in favor of granting the variances.

Peter Kirkwood, 861 Washington Street, Traverse City, Michigan spoke in favor of granting the variances.

Public comment was closed.

Motion by Vice-Chairperson Callison, seconded by Member Hanley to grant a dimensional variance of 4 feet to allow for a proposed 4-story mixed use building have a height of 49 feet, a dimensional variance of 15 feet to allow for a rooftop vestibule with seasonal restrooms have a height of 60 feet and a dimensional variance to have the top of the first floor to the top of the second floor height be less than 15 feet located at the properties commonly known as 207, 211 and 221 West Grandview Parkway, Traverse City, Michigan Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 15-BZA-09. Upon vote the motion carried 7-0.

5. PUBLIC COMMENT

There was no public comment.

6. OTHER BUSINESS

There was no other business.

7. ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

David Weston, Planning and Zoning Administrator

Date: _____

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
VARIANCE NO. 15-BZA-08**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(d), Variances, the Board of Zoning Appeals hereby authorizes a dimensional variance for the following:

Street Address: 213 Franklin Street.
Property Description: S 74 FT OF LOTS 1-2-3, BLOCK 8 HANNAH LAY & CO'S 5TH ADD.
Variance Granted: 8.4 foot dimensional variance to allow for a rear addition (1'-6" x 10'-4") to be 16.6 feet from the rear property line
Applicant/Owner: Judy and Bruce Balas, 4548 Omena Point Road, Omena Michigan.

It is determined that the Applicant has demonstrated a hardship as well as showing of good and sufficient cause authorizing a variance by the City of Traverse City Code of Ordinances. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this Order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on _____, _____, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Date: _____

David Weston, Planning and Zoning
Administrator

Note: A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan

STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 15-BZA-08

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 15-BZA-08, for the property commonly known as **213 Franklin Street**, Traverse City, Michigan, Judy and Bruce Balas.

1. Practical Difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or used in the same district.
2. In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
3. No substantial adverse effect on property values in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
4. The difficulty presented by the applicant in support of the request for a variance is not so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.
5. The practical difficulty is unique to the property and not to the general neighborhood and shall apply only to property under control of the applicant.
6. Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
7. The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
8. The difficulty was not the result of an act of the applicant or a person in privity or concert with the applicant.

The foregoing Statement of Conclusions are supported by the following Findings of Fact No 15-BZA-08:

1. The existing home is located in the rear yard setback and is a legal nonconforming use.
2. The home was moved there in the early 1900's.
3. The parcel at one time was apart of 601 Washington Street.
4. The addition will not encroach any further into the rear setback than the existing home.
5. There are provisions in the Zoning Code that permits the extension of an existing sidewall the encroached in a side yard setback.
6. The addition is the minimum size to accommodate a small hot tub.
7. The applicant has back issues and uses the hot tub for therapy.

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
VARIANCE NO. 15-BZA-09**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(d), Variances, the Board of Zoning Appeals hereby authorizes a dimensional variance for the following:

Street Address: 207,211 and 221 West Grandview Parkway, Traverse City, Michigan.

Property Description: LOTS 67 & 68 HANNAH LAY & CO'S ELEVENTH ADD.
LOTS 65-66 HANNAH LAY & CO'S 11TH ADD.
LOT 63-64 HANNAH LAY & CO 11TH ADD.

Variance Granted: A dimensional variance of 4 feet to allow for a proposed 4-story mixed use building have a height of 49 feet, a dimensional variance of 15 feet to allow for a rooftop vestibule with seasonal restrooms have a height of 60 feet and a dimensional variance to have the top of the first floor to the top of the second floor height be less than 15 feet.

Applicant: Bob Cornwell, 401 East Front Street, Traverse City, Michigan.

It is determined that the Applicant has demonstrated a hardship as well as showing of good and sufficient cause authorizing a variance by the City of Traverse City Code of Ordinances. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this Order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on _____, _____, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Date: _____

David Weston, Planning and Zoning
Administrator

Note: A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan

STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 15-BZA-09

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 15-BZA-09, for the properties commonly known as **207, 211 and 221 West Grandview Parkway**, Traverse City, Michigan, from Bob Cornwell.

1. Practical Difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or used in the same district.
2. In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
3. No substantial adverse effect on property values in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
4. The difficulty presented by the applicant in support of the request for a variance is not so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.
5. The practical difficulty is unique to the property and not to the general neighborhood and shall apply only to property under control of the applicant.
6. Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
7. The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
8. The difficulty was not the result of an act of the applicant or a person in privity or concert with the applicant.

The foregoing Statement of Conclusions are supported by the following Findings of Fact No 15-BZA-09:

1. Parapets and elevator shafts can exceed the height restriction in a C-4 District.
2. There are no height restrictions for parapets.
3. The building will have a lower parapet.
4. From street level, hotel Indigo will appear taller than the proposed building because the hotel has taller parapets.
5. The building will be stepped back on the 3rd and 4th floors which will minimize the mass and height of the building along Division Street and Garland Street.
6. 71% of the building will be at a height of 49 feet.
7. The 2nd, 3rd and 4th floors will be residential units.
8. Low ceiling heights for residential use is not preferable.
9. The building at 207 West Grandview Parkway may be incorporated into the design of the new building.
10. The 15 foot first floor to top of second floor minimum height was adopted in June of 2014 without increasing the overall building heights.
11. The applicant was substantially in design development prior to the June 2014 ordinance amendment.
12. The vestibule with seasonal restrooms are secondary and incidental to the elevator shaft.
13. The vestibule with seasonal restrooms are a small percentage of the overall roof.
14. Rooftop decks are a permitted use in the C-4a Zoning District.
15. The C-4c height restriction allows for permitted uses to exceed the height requirements provided that they are designed and positioned in a manner that will effectively shield rooftop mechanical equipment or elevator shafts.



Communication to the Board of Zoning Appeals

FOR THE MEETING OF: SEPTEMBER 8, 2015

FROM: DAVID WESTON, ZONING ADMINISTRATOR *DMW*

SUBJECT: REQUEST 15-BZA-10

DATE: SEPTEMBER 3, 2015

You have a request from Robert and Elizabeth Callahan, **444 South East Bay Boulevard**, Traverse City, Michigan for relief from the zoning laws (§1332.07(c)) to construct a 333 square foot detached garage in the rear and side yard setbacks located at the property mentioned.

The property mentioned is zoned R-1b (Single Family Dwelling District) and a detached garage is required to have a minimum rear yard setback of 4 feet. The applicant would like to construct a new detached garage which will be 1 foot, 4 inches from the rear (west) property line and 2 feet from the side (north property line. Mr. and Mrs. Callahan will be requesting a dimensional variance for the rear and side yard setback encroachments.

The applicant has responded on how they meet the basic conditions for granting a variance and I have provided a State of Michigan Court of Appeals case that finds the right to build a garage on property regulated for residential use is a "substantial property right" (see page 6).

The City of Traverse City
Board of Zoning Appeals
400 Boardman Avenue
Traverse City, MI. 49684

September 8, 2015

RE: Robert & Elizabeth Callaghan Residence

444 East Bay Blvd. Zoning District: R1-b

Hearing for variance regarding construction
of proposed new one car detached garage requesting
dimensional relief from prescribed 4'-0" rear alley
& north side yard setbacks

Itemized list of responses to Board of Appeals Chapter 1324.05 Powers & Duties pertaining to subsection (d) variance language:

(d) **Variances.** The Board shall have the power to authorize specific variances or departures from this Zoning Code, if all of the basic conditions are satisfied, and if there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Zoning Code. A variance from the dimensional requirements of this Zoning Code may only be granted if it is determined that all basic conditions have been satisfied and that there is a practical difficulty in carrying out the requirement. A variance from the use requirements of this Zoning Code may only be granted if it is determined that all basic conditions have been satisfied and that there is an unnecessary hardship created by those use restrictions.

(1) **Basic conditions.** Any variance granted from this Zoning Code shall meet the following basic conditions:

- (A) The spirit of this Zoning Code shall be observed, public safety secured and substantial justice done.

RESPONSES:

1. The existing residence @ 444 East Bay, originally constructed in 1910 before zoning regulation was in place, on an unimproved, unmaintained alley to the west rear yard is the only lot within the block without a detached/attached garage. Two of the lots with existing detached garages are already built over rear setbacks in relation to the alley.
2. The new garage built in the proposed location due to its proximity to property lines would be constructed with fire rating considerations. Furthermore new garage and driveway slabs would be built to improve adequate access from the alley to the rear portion of the lot and provide positive drainage away from all structures than current conditions allow.
3. Per the State of Michigan Court of Appeals decision No.282701 from the Ottawa Circuit Court, the homeowner per the phrase "substantial property right" as used in the ordinance encompasses the right to build a garage on property regulated for residential use" Granting this variance on this narrow, uniquely defined site allows the homeowner the same right all other homes in the area enjoy.

(B) There is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

RESPONSES:

1. **Granting this variance per the requested dimensional variances allows the homeowners to build an adequate size one car garage with storage with architectural features that complement the improved existing residence that should actually increase property values and conform to other properties in the area with existing constructed garages.**
2. **The existing alley is irregular with a fence that encroaches into the right of way giving one the perception that the rear lot is larger so the construction within the dimensional variance relief requested will not adversely impact the view from the alley.**
3. **The neighbor immediately to the north @ 440 East Bay Blvd. has given his approval after reviewing the plans.**

(C) The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable.

RESPONSE:

1. **All homes on this block were constructed well to the rear of their respective lots. In the case of 444 East Bay, the existing home is in non-compliance of its current prescribed rear yard setback and with the narrowness of the parcel, leaves no room whatsoever to consider an attached garage. In order to build a detached one car garage with an adequate garage door opening and storage lost from removal of an existing shed, we are looking for dimensional variance relief.**

(D) The practical difficulties or unnecessary hardships are unique to the property under consideration and not to the general neighborhood, and shall apply only to property that is under the control of the applicant.

RESPONSE:

1. **As stated above, 444 East Bay is the only lot accessible to the unimproved, unmaintained alley to the west rear yard within the block without a detached/attached garage. Two of the lots with existing detached garages are already built over rear setbacks in relation to the alley.**

(E) It shall be necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

RESPONSE:

1. **Homes located on and with access to the alley in the surrounding neighborhood have existing garages. The variance requested would allow construction of a bare minimum sized garage while preserving the openness of the alley.**

F) There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by this Zoning Code.

RESPONSE:

1. All other portions of the zoning district code for R1-b do not permit the substantial property right to construct a garage anywhere but on the alley at the rear portion of the property and an attached garage per zoning considerations is precluded.

(G) The alleged hardship or difficulty is not solely economic, and is based on the reasonable use of a particular parcel of land.

RESPONSE:

1. The dimensional variance requested is not requested for financial gain but rather to address the practical matter of housing a car and providing some adequate way of storing yard tools.

(H) It may be denied where the alleged practical difficulties or unnecessary hardships resulted from an act of the applicant, or a person in privity or concert with the applicant.

RESPONSE:

1. The decision to seek relief from attaching building setbacks at the west/rear yard and north side yard has been derived solely from carving out enough room to provide adequate access to the proposed garage and enough space to get a decent size garage door for one car ingress/egress. The narrowness of the lot and location of the existing home along with access considerations from the century old alley has driven the design so that adequate room between structures, positive groundwater drainage can be provided.

STATE OF MICHIGAN
COURT OF APPEALS

MICHAEL P. RISKO and REBECCA J. RISKO,

Petitioners-Appellees,

v

GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS,

Respondent-Appellant.

FOR PUBLICATION

June 16, 2009

9:05 a.m.

No. 282701

Ottawa Circuit Court

LC No. 07-059185-AA

Before: Beckering, P.J., and Wilder and Davis, JJ.

DAVIS, J.

Respondent the Grand Haven Charter Township Zoning Board of Appeals (the Board) appeals by leave granted the trial court's order reversing the Board's denial of petitioners' application for a nonuse variance. We reverse.

Petitioners seek to construct a single-family residence on a lot in Grand Haven Charter Township (the Township). The Township zoning ordinance at issue requires a 50-foot front setback. The lot is zoned R-1 residential, is 2.46 acres in size, and is 525 feet wide and 189.25 feet deep. However, it is located in a "critical dune zone," and only a portion of it is actually buildable. Petitioners designed architectural plans for which they obtained the approval of the Michigan Department of Environmental Quality (MDEQ). Those plans included an attached, two-stall garage that would encroach onto the 50-foot setback area by 9.5 feet. Petitioners applied for a variance for that zoning setback. Petitioners' application stated that the encroachment was necessary because the critical dunes in the rear lot area forced part of the structure to be moved closer to the property line.

Section 26.05 of the Township zoning ordinance provides standards for use by the Board in determining whether or not an applicant's variance should be granted. The section states:

(1) [e]xcept as otherwise provided, to authorize a non-use or dimensional variances from the strict applications of the provisions of this Ordinance, the Zoning Board of Appeals shall apply the following standards and shall make an affirmative finding as to each of the matters set forth in each of such standards:

A. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification...

B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.

C. That authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.

D. That the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of this Ordinance.

The parties agree that petitioners' application satisfied the third and fourth standards in this section, and those sections are not at issue on this appeal. Petitioners claimed that the first two standards were met because exceptional and extraordinary circumstances were present on the lot at issue because of the protected sand dunes and need for a special MDEQ permit. Further, petitioners claimed that the variance was necessary to preserve the enjoyment of a substantial property right (use of a two-car garage) that others in the zoning area enjoyed.

Patrick B. Waterman, Grand Haven Township Director of Community Development,¹ wrote a memorandum to the Board recommending approval of petitioners' request for a variance. At the Board meeting to address the variance request, several residents expressed objections to the proposed variance. Petitioners stated that, if the Board rejected the variance, they would have to wait for another MDEQ approval and obtain a new architectural design. The Board reached its decision as described in the minutes:

[a]fter much deliberation, the board determined that although there were in fact unique circumstances applicable to this property (*i.e. the excessive dune slopes in the rear yard and the MDEQ building restrictions*), they felt that the owner had alternate design options which would enable him to construct a new home and attached garage without the need for a variance. Specifically, it was determined that there appeared to be adequate room to construct a side-loading garage, which would eliminate the front yard encroachment. The alternate design options were available to the owner because the lot was exceptionally wide when compared to a typical R1 lot, which eliminated the probability of any side yard encroachments. It was on this basis that the board believed the request failed to meet the four variance standards. [emphasis in original]

¹ Mr. Waterman's title is not apparent from the lower court record, but his title is referenced in both plaintiff's and defendant's briefs on appeal.

Specifically, the Board voted that petitioners had failed to meet standards 1 and 2 of the zoning ordinance set forth above. However, in the trial court, respondent conceded that its sole basis for ultimately denying the variance application was that petitioners could change their proposed design to relocate the garage so that a variance was unnecessary. It appears from the minutes that respondent found the first standard to be met.

On appeal to the trial court, petitioners argued that changing their plans would require significant additional expense and delay. Furthermore, petitioners argued that the Board's decision amounted to imposition of a fifth standard with no support in any law: that no alternative design existed that would not require the variance. Petitioners also pointed out other instances of variance applications being granted with no consideration as to the possibility of alternative designs, and they argued that this amounted to an abuse of discretion by applying standards in a non-uniform way. Respondent did not dispute that petitioners had a substantial property right to a two-stall garage on residentially zoned property, but argued that petitioners did not have a right to any particular, specific design or location thereof.

The trial court reversed the Board's decision from the bench and held as follows:

[t]he evaluation whether these factors were met for purposes of determining whether there exists a practical difficulty in complying with the zoning ordinance *does appear to add a requirement by the zoning board to evaluate alternate possibilities or other suitable locations for the portion of the home that extended into the front yard setback. That's not a [proper] consideration* in the cases that involve these issues. [Tr, 41 (emphasis added).]

The trial court continued:

[i]n this case, the zoning board appeared to specifically rely upon the fact that there was a wider building envelope and that the applicant could go back and redesign the house and resubmit the redesign for MDEQ approval and build within the existing envelope without violating any setback requirements. However, the result of the zoning board's decision here to require potentially a resurvey, redesign by an architect, resubmission to MDEQ with the cost associated with each stage of that process and the delay required by each stage of that process *does impose practical difficulties*. [Tr, 41-42 (emphasis added).]

The circuit court also held that the Board had not reasonably exercised its discretion because it had applied the zoning ordinance unequally among similarly situated variance applicants.

This Court reviews de novo the circuit court's decision in an appeal from a zoning board, "while giving great deference to the trial court and zoning board's findings." *Norman Corp v City of East Tawas*, 263 Mich App 194, 198; 687 NW2d 861 (2004). When reviewing a zoning board's denial of a variance "this Court must review the record and...[the board's decision]...to determine whether it (1) comports with the law (2) was the product of proper procedure, (3) was supported by competent, material, and substantial evidence on the record, and (4) was a proper exercise of reasonable discretion." *Id.* at 202, citing MCL 125.585(11) (now repealed and replaced by MCL 125.3606(1)). "The interpretation of a zoning ordinance presents a question of law subject to review de novo." *Brandon Charter Twp v Tippet*, 241 Mich App 417, 427; 616

NW2d 243 (2000). Constitutional questions involving equal protection claims are reviewed de novo by this Court. See *Houdek v Centerville Twp*, 276 Mich App 568, 573; 741 NW2d 587 (2007).

As alluded to above, we reject respondent's argument that its denial was based in part on the first standard, that the property did not contain exceptional or extraordinary circumstances. The minutes of the board meeting and respondent's own concessions contradict such an argument. We find that the Board's decision to deny the variance request was based on a finding that petitioners could enjoy their right to a home with a two-stall garage on their property without obtaining a variance. We decline to consider any argument by respondent that petitioners' hardship is self-inflicted because, although one Board member did discuss that likelihood, the minutes reflect that self-imposed hardship was not a basis for its denial of the variance. The sole issue is whether, under the circumstances, the 9.5-foot setback "variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district."

Significantly, petitioners did not refute the Board's finding that petitioners' property would accommodate an MDEQ-approved home with a two-stall garage without needing the variance. The evidence indicates that doing so would require additional expense, delay, and hassle; and furthermore doing so would result in a less-preferable design. Pursuant to respondent's own admissions, the Board would be required to issue the requested variance if petitioners could prove that it would be impossible without the variance to construct an MDEQ-approved home with a two-car garage. But on the record before us, it appears that doing so would indeed be possible.

We are unpersuaded that this inquiry imposes an additional requirement: something can only be *necessary* to achieving a goal if there is no realistic or practical alternative way to achieve that goal. Resolution of this matter depends on whether a "substantial property right" includes construction of a particular design. We conclude that it does not.

"[U]nless explicitly defined in a statute, 'every word or phrase of a statute should be accorded its plain and ordinary meaning, taking into account the context in which the words are used.'" *Yudashkin v Holden*, 247 Mich App 642, 650; 637 NW2d 257 (2001). The term "substantial property right" is undefined in the ordinance, and it has not been defined in this context by Michigan case law. Because undefined terms must be given their plain and ordinary meanings, it is proper to consult a dictionary to define terms. *Robinson v Ford Motor Co*, 277 Mich App 146, 152; 744 NW2d 363 (2007). Black's Law Dictionary (8th ed) defines "property" in part as, "[t]he right to possess, use, and enjoy a determinate thing (...a tract of land...); "property right" is defined as "[a] right to specific property, whether tangible or intangible;" and "right" is defined in relevant part as "[s]omething that is due to a person ... [a] power, privilege, or immunity secured to a person by law." *Random House Webster's College Dictionary* (1997) defines "substantial" in relevant part as "of real worth, value, or effect." Applying these definitions, "substantial property right" is reasonably defined in plain, ordinary language as the right or privilege to possess, use, and enjoy the aspects of one's land that are of considerable value and importance.

Because this analysis remains somewhat nebulous, we find that judicial construction of the phrase "substantial property right" is necessary to resolve the ambiguity. See *People v*

Denio, 454 Mich 691, 699; 564 NW2d 13 (1997). Several cases in Michigan have discussed what constitutes a “substantial property right” in other contexts. In *Forster v City of Pontiac*, 56 Mich App 415, 417, 420; 224 NW2d 325 (1974), this Court found that property owners were deprived of a “substantial right,” warranting eminent domain proceedings, when the city vacated an alley that abutted the property owners’ business, explaining that “the vacation of said alley prevents plaintiffs from ingress or egress to the rear portion of their said property and that the vacation of said alley by defendant ... caused a material diminution in the value of plaintiffs’ property.” *Id.* at 421 (quotations omitted). In *Indian Village, supra*, 312 Mich 549, our Supreme Court held that restrictive covenants “upon the use of property by reason of a general plan ... [constitute] a substantial property right which the owners can maintain and enforce.” *Id.*, citing *Allen v City of Detroit*, 167 Mich 464, 133 NW 317 (1911); (citations omitted). Our Supreme Court in *Allen* explained:

Building restrictions are private property, an interest in real estate in the nature of an easement, go with the land, and a property right of value, which cannot be taken for the public use without due process of law and compensation therefore; the validity of such restriction not being affected by the character of the parties in interest. [*Allen, supra*, 167 Mich 473.]

In addition to covenants and restrictions, our Supreme Court has stated that the right to exclude others from one’s property is an “essential” protected property right. *Woodland v Michigan Citizens Lobby*, 423 Mich 188, 247; 378 NW2d 337 (1985), citing *Kaiser Aetna v United States*, 444 US 164, 179-180; 100 S Ct 383; 62 L Ed 2d 332 (1979).

In a case outside this jurisdiction, the Wisconsin Supreme Court cited *Allen, supra*, 167 Mich 473, in holding riparian rights reserved by an agreement constitute substantial property rights. *Bino v City of Hurley*, 273 Wis 10, 19-21; 76 NW2d 571(1956). In another case outside of this jurisdiction, the Tennessee Supreme Court described disputes over “boundaries, plats and surveys” as affecting “very substantial” property rights. *Chapdelaine v Tennessee State Bd of Examiners for Land Surveyors*, 541 SW2d 786, 788 (Tenn, 1976). Substantial property rights, in sum, have included the right to use the property without loss of value, the right to access the property, restrictive covenants or building restrictions that run with the land, rights of exclusion, riparian rights, and boundaries, plats, and surveys. All of the above examples involve fundamental rights attendant to the use of the land.

The phrase “substantial property rights” is used in the context of land use regulation in this case. *Yudashkin, supra*, 247 Mich App 650. A local governmental entity in Michigan has authority to regulate land use pursuant to the police power reserved to the states and delegated to local governments by the Legislature. See *Detroit Edison Co v Richmond Twp*, 150 Mich App 40, 47-49; 388 NW2d 296 (1986); *Sun Communities v Leroy Twp*, 241 Mich App 665, 669; 617 NW2d 42 (2000); MCL 125.3101. This authority is extensive, and a regulation will generally surpass constitutional muster if there is a reasonable governmental interest being advanced that is not purely arbitrary, capricious or unfounded. See *Houdek v Centerville Twp*, 276 Mich App 568, 582; 741 NW2d 587 (2007). See also *Burt Twp v Dept of Nat’l Resources*, 459 Mich 659; 593 NW2d 534 (1999) (noting that, under the former township enabling legislation, municipalities had extensive authority to regulate the use and development of land). This Court has held that protecting aesthetic value is a legitimate governmental purpose. *Norman Corp*,

supra, 263 Mich App 201, citing *Gackler Land Co, Inc v Yankee Springs Twp*, 427 Mich 562, 572; 398 NW2d 393 (1986). The language of the current zoning enabling act, MZEA, illustrates this broad authority and authorizes local governments to establish requirements for things such as maximum or minimum square footage, setback, height and the like. See MCL 125.3201.

Thus, fundamental uses or rights attendant to the land are statutorily subject to regulation. Our Supreme Court has stated that local ordinances ordinarily take full advantage of the broad authority granted by enabling legislation “[t]o accommodate changing needs and expectations, zoning ordinances typically are worded so as to confer broad discretion on zoning boards...” *Macenas, supra*, 433 Mich 389. The broad authority of a local government to regulate land use through zoning suggests that the phrase “substantial property right” should be construed narrowly. See *Norman Corp, supra*, 263 Mich App 201; *Houdek, supra*, 276 Mich App 568; *Burt Twp, supra*, 459 Mich 659; *Macenas, supra*, 433 Mich 389. It should include the right to possess, use and enjoy the valuable and important aspects of one’s land, but subject to land use regulations that advance legitimate government interests.

In sum, we find that the phrase “substantial property right” as used in the ordinance encompasses the right to build a garage on property regulated for residential use, but does not encompass the right to build according to a preferred design.

The right to build according to one’s preferred design is unlike the “substantial property right” recognized by this Court in *Forster, supra*, 56 Mich App 415. The right to ingress and egress to one’s property is a substantial right in that it was necessary for access to and use of the property itself, whereas a preferred design does not deny access, use or the ability to construct a residence in compliance with the zoning requirements. In addition, whereas in *Forster* restricted ingress and egress caused a diminution in value, here, it appears to that the inability to build a preferred design would not result in a similar decline in value because a residential structure and garage can still be built in compliance with the ordinance. Similarly, the right to build to a preferred design is unlike the substantial property right to enforce restrictive covenants as recognized in *Indian Village, supra*, 312 Mich 549, and *Allen, supra*, 167 Mich 464. Unlike a restrictive covenant, the right to a particular design is not similar to an easement; it does not run with the land. See *Allen, supra*, 167 Mich 473. Furthermore, the right to a preferred design is dissimilar to the right to exclude others from one’s property, which is an essential part of land ownership. *Woodland, supra*, 423 Mich 188; *Kaiser Aetna*, 444 US 179-180. Finally, the right to build to a preferred design is unlike riparian rights, which allow for reasonable use of a natural resource, and the right to accurate surveys and boundaries, which are essential to the determination of the extent of land a person holds legal title over. *Bino, supra*, 273 Wis 19-21; *Chapdelaine, supra*, 541 SW2d 788.

We conclude that the right to a preferred design is not a “substantial property right;” therefore, it was proper for the Board to consider whether petitioners had alternative designs available that negated the need for the variance. In other words, it was appropriate to consider whether defendant’s substantial property right in building a garage could be honored without granting the variance.

However, petitioners further argue that the Board applied the zoning ordinance in a discriminatory manner, because it granted setback variances to other property owners in similar situations. Resolution of this issue requires analysis of whether petitioners showed on the record

that they were treated differently than similarly situated variance applicants. See *Great Lakes Society v Georgetown Charter Township*, 281 Mich App 396, 427; ___ NW2d ___ (2008). Under the federal and Michigan constitutions, similarly situated persons must be treated equally. *Neal v Oakwood Hosp Corp*, 226 Mich App 701, 716-717; 575 NW2d 68 (1997). In a zoning context, “the first question has to be whether [the variance applicant] demonstrated on the record that it was treated differently from some similarly situated [applicant].” *Great Lakes Society, supra*, 281 Mich App 427, citing *Shepherd Montessori Center Milan v Ann Arbor Charter Twp*, 259 Mich App 315, 336-337; 675 NW2d 271 (2003), vacated 480 Mich 1143 (2008), reaffirmed in part 280 Mich App 449 (2008). “However, unless the dissimilar treatment alleged impinges on the exercise of a fundamental right or targets such protected classifications as those based on race or gender, the challenged regulatory scheme will survive equal protection analysis if it is rationally related to a legitimate governmental interest.” *Dowark v Oxford Charter Twp*, 233 Mich App 62, 73; 592 NW2d 724 (1998). “The party raising the equal protection challenge has the burden of proving that the challenged law is arbitrary and thus irrational.” *Id.*, citing *Neal, supra*, 226 Mich App 719.

We do not find evidence in the record from which we can conclude that petitioners were treated irrationally differently from other similarly situated residents who had been granted a nonuse variance. The only stipulated-to example was another resident who, it appears, had an unusually narrow lot and was seeking to construct a new shed to replace an old shed that had been nonconforming, where a concrete pad and electricity were already in place at the location of the old shed, and there was some implication that the shed really could not be put elsewhere without reducing its size. We do not find sufficient similarity in the situations. In other cases petitioners discussed in the trial court, we likewise do not find sufficient similarities. One of them involved a lot burdened by a drainage easement and the available alternative design apparently would have necessitated a smaller, rather than a relocated, garage. Another involved “severely limited” buildable area and no suggestion that alternative designs would be available. The third involved a residence that already encroached onto a setback and, again, nothing to indicate that an alternative to the proposed deck addition might have been available. In any event, even if petitioners were treated differently from similarly-situated applicants, petitioners have not shown that the Board’s consideration of alternative designs when implementing the zoning ordinance is arbitrary and does not advance a legitimate governmental interest pursuant to the “ordinary concerns of health, safety, and welfare” and thus “rationally related to a legitimate governmental interest.” *Dowark, supra*, 233 Mich App 73.

In sum, we find that the Board’s decision to deny petitioners’ application for the 9.5 foot setback variance on the ground that the variance was not “necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district” comported with the law, was procedurally proper, was supported by the evidence, and was not irrational.

Reversed.

/s/ Alton T. Davis
/s/ Jane M. Beckering
/s/ Kurtis T. Wilder



City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: <u>7-16-15</u>
Check Number: <u>7084</u>	Date of Public Hearing: <u>8-11-15</u> 9-8-15
Receipt Number: <u>18104</u>	Case Number: <u>15-BZA-10</u>

TRAVERSE CITY BOARD OF ZONING APPEALS
APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or
Reconsideration

PROPERTY DESCRIPTION (legal description AND property ad-

dress): ADDRESS: 444 EAST BAY BLVD. SOUTH

PROP. DESCRIPTION: LOT 14... RECORDED JULY 18, 1977 IN LIBER 412
PAGES 345-347 GRAND TRAVERSE COUNTY REGISTER OF DEEDS

REQUEST AND PROPOSED PROJECT:

REQUEST RELIEF FROM RIB ACCESSORY BUILDING 1332.07 part C RE:
LOCATION OF ACCESSORY BUILDING NO CLOSER THAN 4 FEET TO SWE/
REAR PROPERTY LINE

TO BE COMPLETED BY ZONING ADMINISTRATOR:

Request: Appeal for Administrative Decision _____
Interpretation of Ordinance _____
Exception _____
Variance _____

Name: ROBERT & ELIZABETH
CALLAGHAN Phone: (989) 714-0550 Fax: —

Address: 444 EAST BAY BLVD. SOUTH, TRAVERSE CITY, MI. 49686

Signature of Owner: Robert Callaghan

Signature of Applicant (if different): Robert Callaghan

Relationship of Applicant to Owner: RESIDENTIAL DESIGNER

**APPLICATIONS MUST BE RECEIVED A MINIMUM OF 21 DAYS PRIOR
TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED.**

REPRESENTATION AT HEARING: THE APPLICANT OR THE APPLICANT'S
AUTHORIZED AGENT MUST BE PRESENT AT THE PUBLIC HEARING TO
PROPERLY ANSWER QUESTIONS CONCERNING THE APPEAL. IF THE
APPLICANT OR AGENT IS NOT PRESENT, THE APPEAL MAY BE DEFERRED
UNTIL THE NEXT MEETING OR DISMISSED AT THE DISCRETION OF THE BOARD.

*** PLEASE NOTE THE REVERSE SIDE FOR SITE PLAN REQUIREMENTS ***



Dave Weston <dweston@traversecitymi.gov>

444 East Bay Blvd S. Zoning variance

1 message

Dennis Pearsall <dennispearsall@gmail.com>

Thu, Sep 3, 2015 at 6:41 AM

To: dweston@traversecitymi.gov, bcallaghan@ameritech.net>

Mr. David Weston
Planning and Zoning Administrator
The City of Traverse City, MI

Dear Mr. Weston

Pursuant to Mr. & Mrs. Robert Callaghan's request for a variance to construct a single car garage on their property, wherein they specifically asks for setback relief to allow them to build 1 foot 4 inches from the rear (West) property line, and 2 feet from the side (North) property line, my wife (Joann) and I are in support of the same. I had planned to attend the scheduled meeting in support of this on August 11, however the Board meeting was cancelled. Unfortunately, I now have a business commitment in Southfield MI on September 8, but wanted to express our position on the Callaghan's request. Thank you for your consideration!

Dennis & Joann Pearsall
440 east Bay Blvd S.
Traverse City, MI 49686



①



②

property line
(estimated)



3



4

ROBERT VERACKER
DESIGN

Traverse City, MI.
1480) 662-0000

7/21/15

EX. SHED TO BE
REMOVED

PROPOSED
ONE CAR
GARAGE

0'-0" x 8'-0" x 0'-0"
GARAGE DOOR
338 SQ. FT. (NEW)

Left Neighbor
R1-B

PROPOSED MASTER
SUITE ADDITION

263 SQ. FT. (NEW)

EX. WHITE VINYL FENCE

589° 28' 14" E
149.65'

NEW STAMPED CONC. WALKWAY

Lot # 14

EXISTING
RESIDENCE

444 EAST BAY BLVD.
PARCEL ID# 28-51-734-00-00
(1) ONE STORY ZONING R1-B
1006 SQ. FT.

AREA OF EX. KITCHEN/
MUDROOM INTERIOR
RENOVATION
298 SQ. FT. (RENOV.)

NEW STEPS

EX. GARDEN WALL

N 90° 00' 00" E
80.04'

PROPOSED GREAT ROOM/
DINING RM. ADDITION

261 SQ. FT. (NEW)

ARCHITECTURAL SITE PLAN

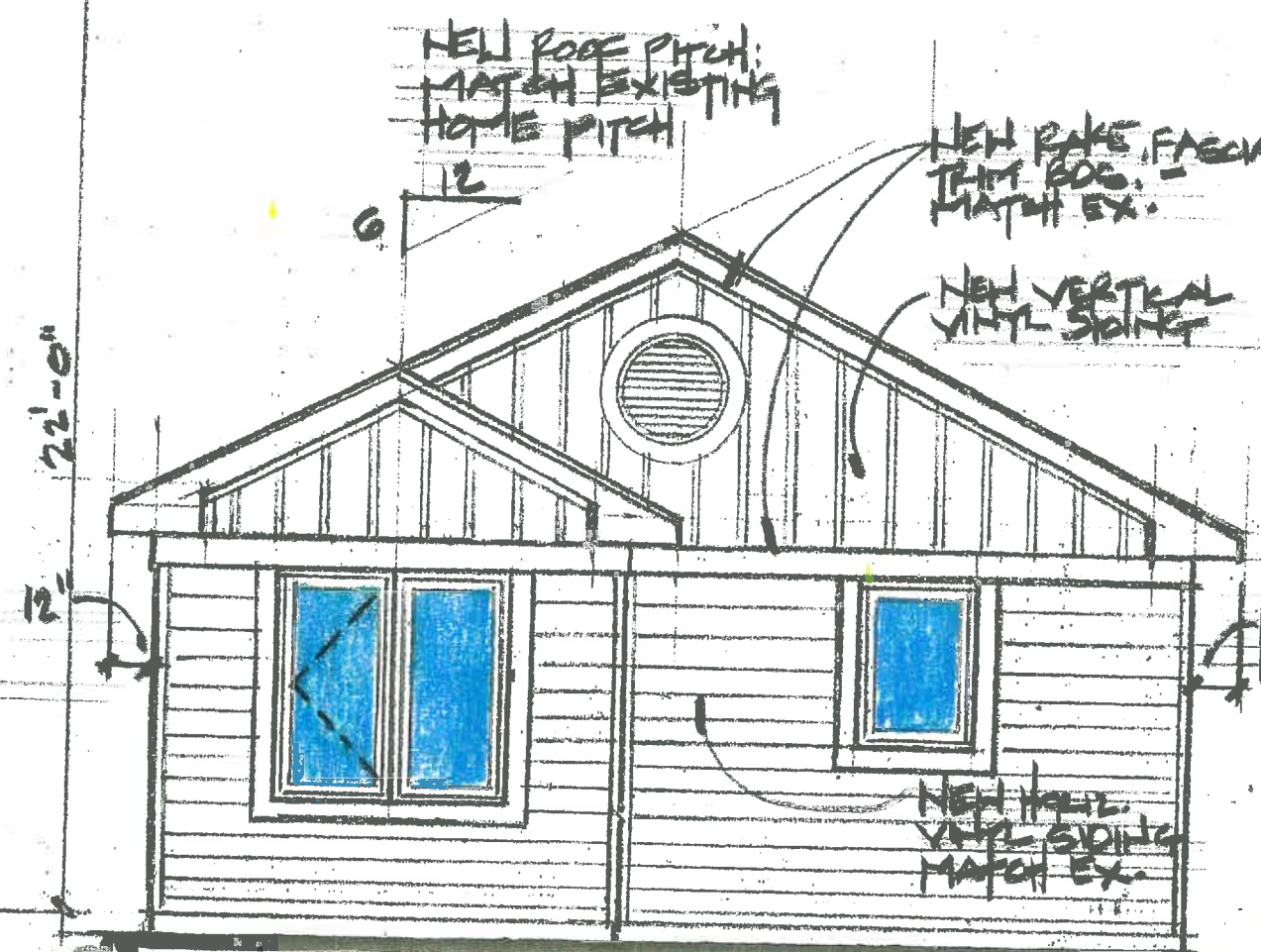
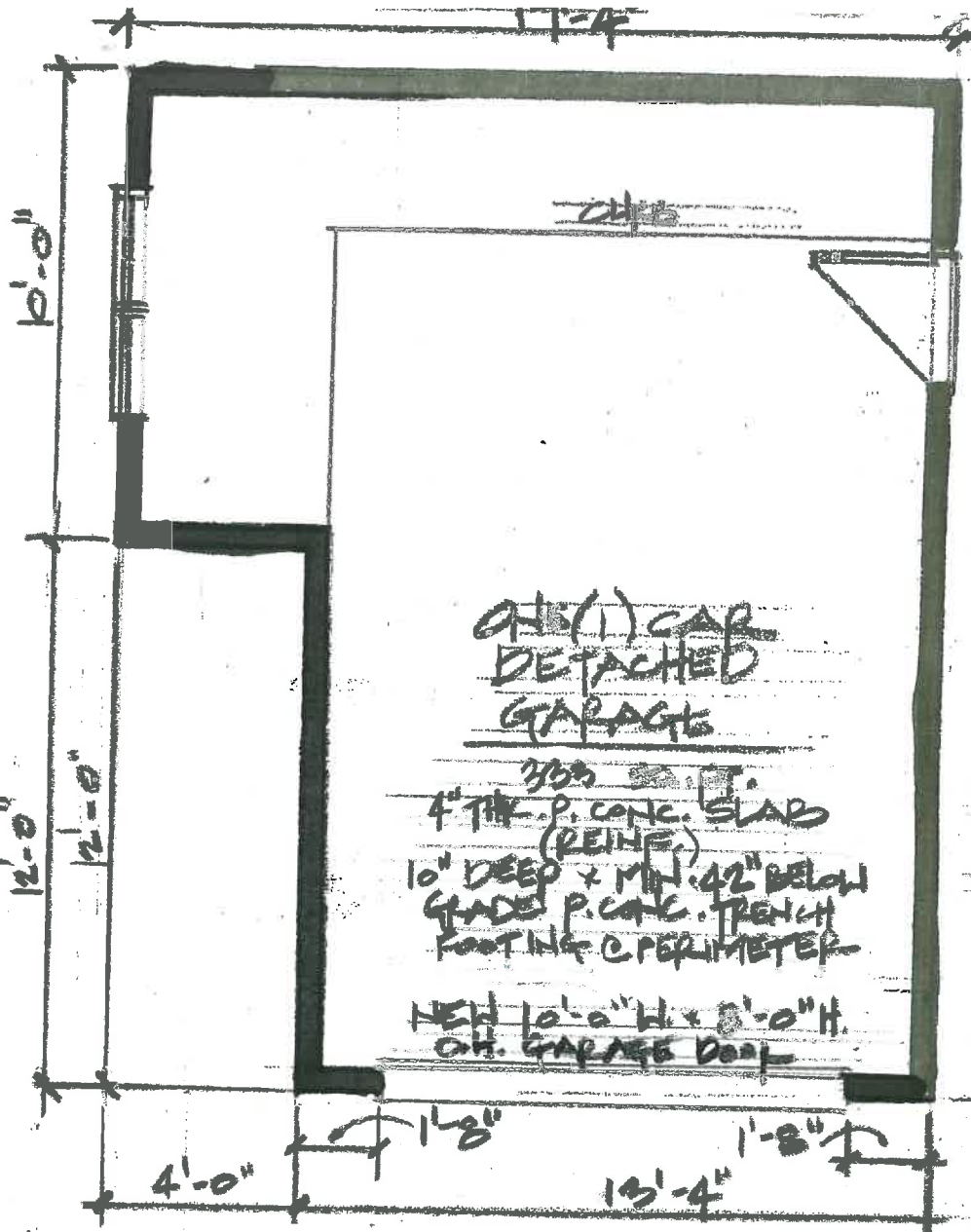
SCALE: 1" = 10'-0"

ROBERT & ELIZABETH CALLAGHAN RESIDENCE on the EAST BAY
RENO./ADDITION to EXISTING HOME

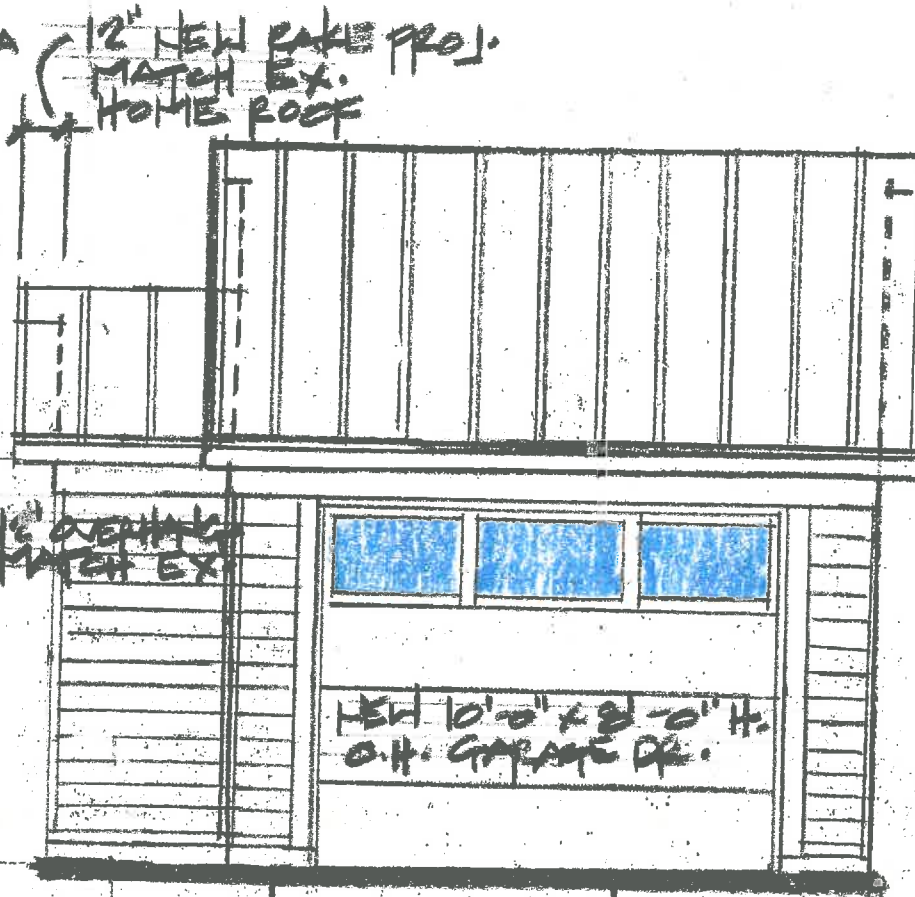
rev. 06/26/15 rev. 06/22/15 rev. 01/01/15 rev. 07/09/15

Traverse City, MI.

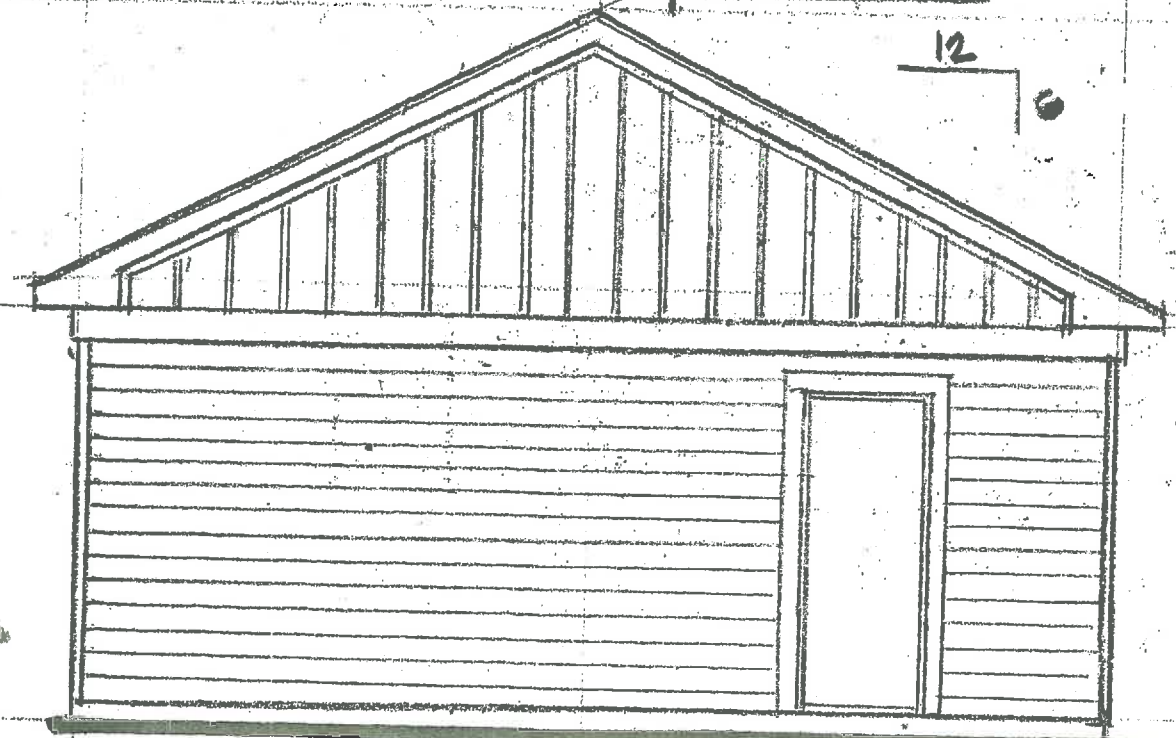
NOTE:
NO FAILING TO BE
INSTALLED DECK TO GRADE
HEIGHT DIM. IS LESS THAN



WEST (Alley) ELEVATION



SOUTH ELEVATION



EAST ELEVATION

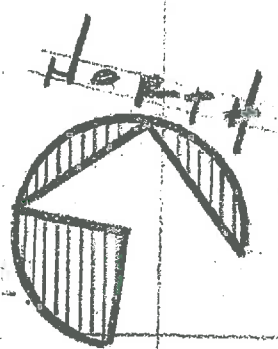


NORTH ELEVATION

ROBERT VIERACKER
DESIGN

Traverse City, MI
(480) 652-0579

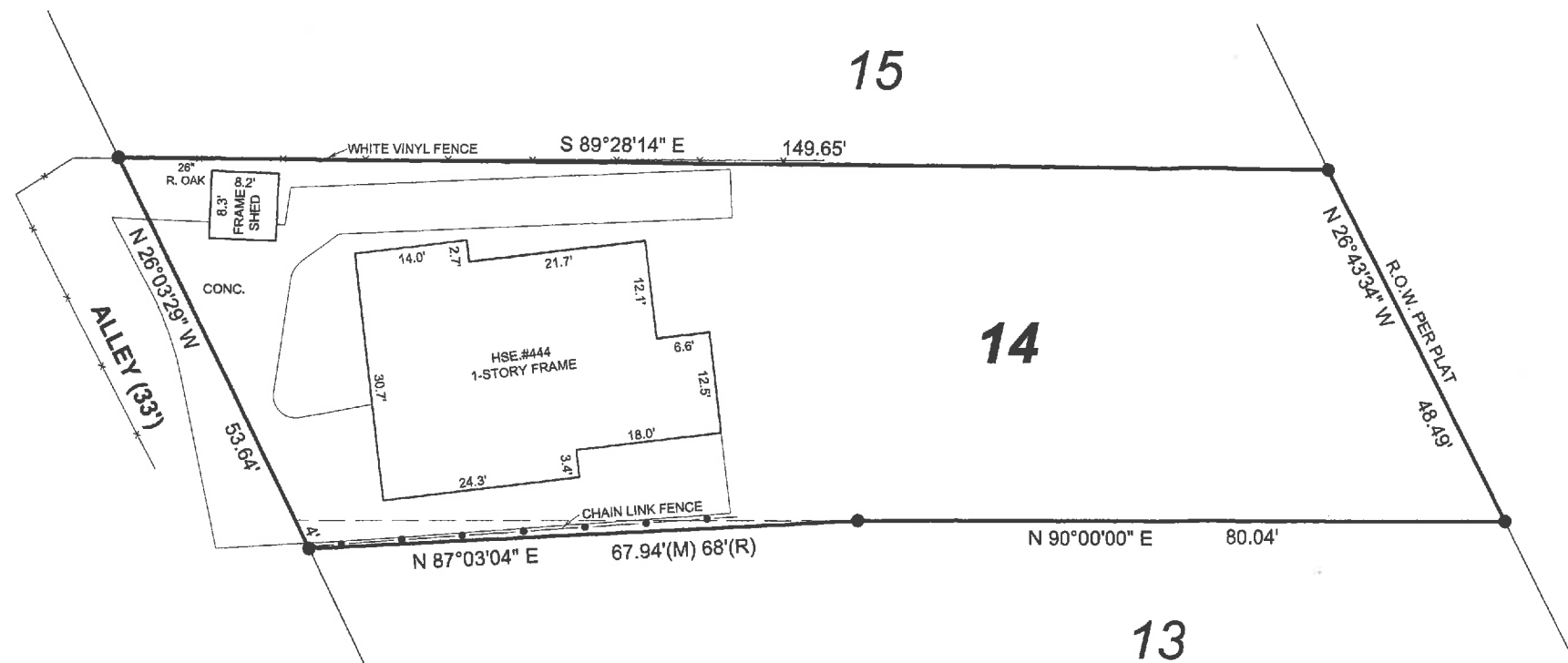
7/21/15



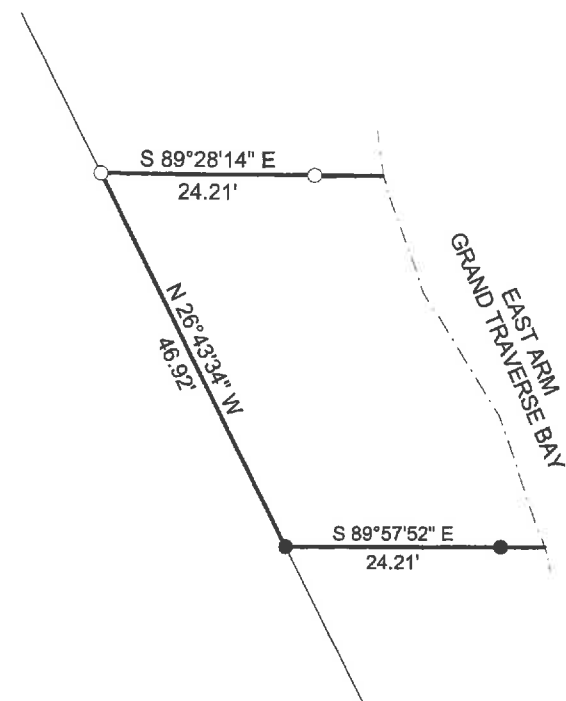
NEW ONE (1) CAR
DETACHED GARAGE

SCALE: 1/4" = 1'-0" 7/10/15

ROBERT & ELIZABETH
CALLAGHAN RESIDENCE



S. EAST BAY BOULEVARD



LEGEND

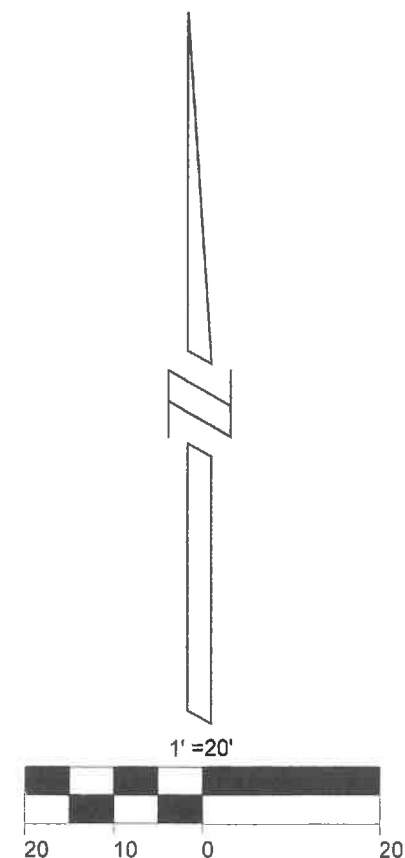
- = IRON FOUND
- = IRON SET
- (R) = RECORD
- (M) = MEASURED

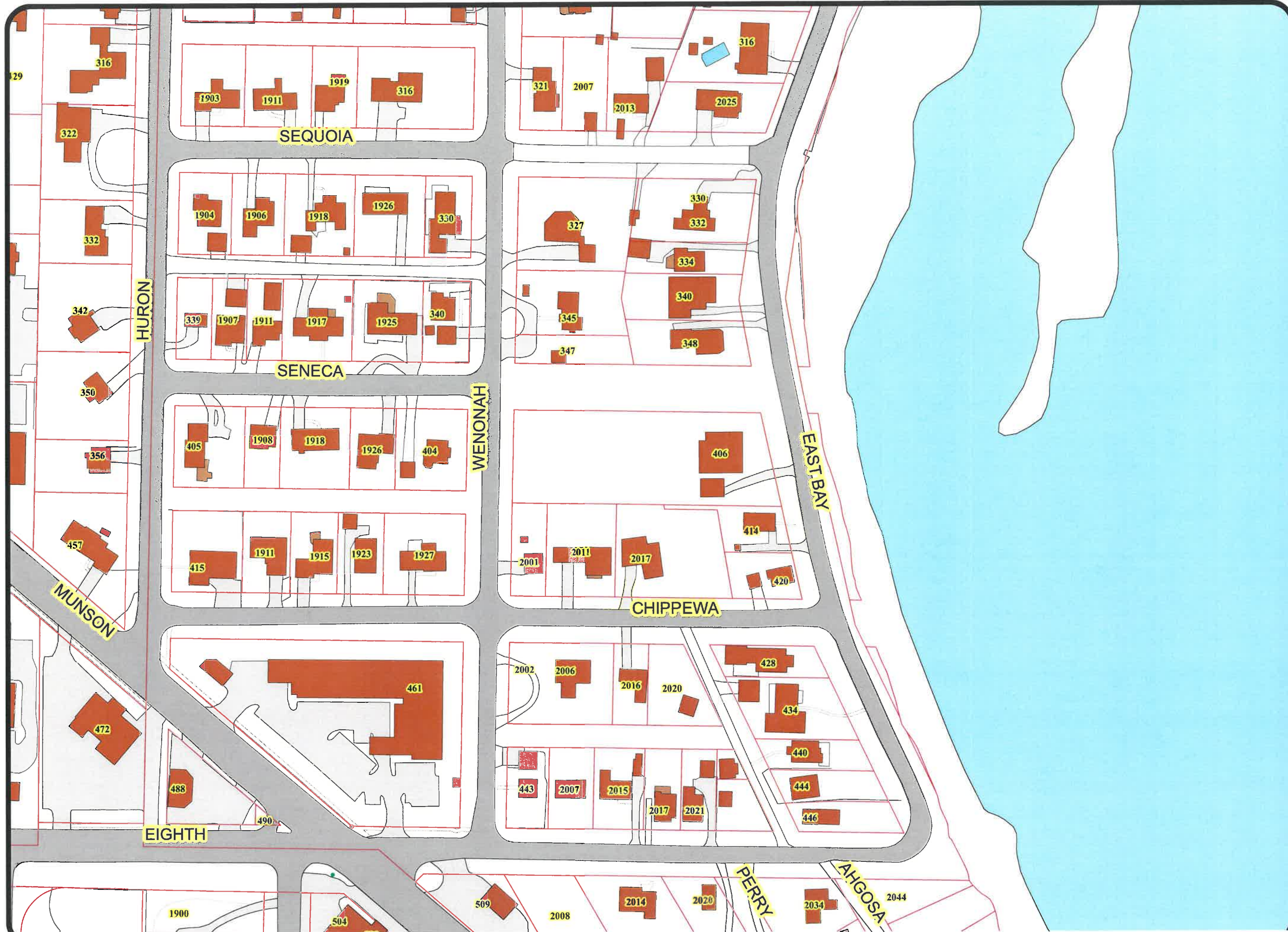
WARRANTY DEED (2012R-19640)

City of Traverse City, Grand Traverse County, Michigan

Lot 14, and that part of Lot 13, KEZIS MOKESA, described as: Beginning at the Northwest corner of said Lot 13; thence East along North line of said Lot, 69.71 feet; thence Southwesterly 68 feet to a point on the West line of Lot, which is 4 feet from the Northwest corner of said Lot; thence Northwesterly along the lot line to the point of beginning. Together with exclusive riparian rights in and to the waters of the East Arm, Grand Traverse Bay, Lake Michigan, between the extended lines of the East-West boundary lines as more fully set forth in the Grand Traverse County Circuit Court Judgement dated June 28, 1977, recorded July 18, 1977, in Liber 418, Pages 845-847, Grand Traverse County Register of Deeds.

WENDLAND SURVEYING, P.C. P.O. Box 7149 Traverse City, Michigan 49696-7149	PREPARED FOR: ROBERT T. & ELIZABETH A. CALLAGHAN	Date: 5-26-15
		File No. 15022
		Sheet 1 of 1





Legend



1 inch = 127 feet

This map is based on digital databases from the City of Traverse City. Traverse City cannot accept any responsibility for errors, omissions or positional accuracy. These are approximate boundaries and not intended for legal purposes.



Legend



1 inch = 127 feet

This map is based on digital databases from the City of Traverse City. Traverse City cannot accept any responsibility for errors, omissions or positional accuracy.

BOARD OF ZONING APPEALS RULES AND PROCEDURE

TRAVERSE CITY BOARD OF ZONING APPEALS

(To Be Adopted September 8, 2015)

PURPOSE:

These Board of Zoning Appeals Rules and Procedure are adopted pursuant to the Traverse City Code to acquaint the people of Traverse City and persons appearing before the Board with the operation of the Board so that matters coming before this body can be handled in an understanding, prompt and efficient manner.

RULES OF PROCEDURE.

The Board of Zoning Appeals shall follow such procedures as are established by statute, ordinance and resolution of the Board. These procedures shall include:

- (a) **Appeals Generally.** For purposes of these rules of procedure, an appeal shall include all applications for appeals, interpretations, variances, exceptions and matters involving nonconforming uses.
- (b) **Initiating Appeals.** Appeals shall be filed with the Zoning Administrator within twenty-one days after written notice is given of the action being appealed. The appeal shall be placed upon the Board's agenda in the second month immediately following the month in which the appeal is filed.
- (c) **Filing Fees.** The filing fee for appeals shall be established by resolution of the City Commission.
- (d) **Notices.** Notice of an appeal will be given pursuant to State statute. Such notice shall be mailed or delivered at least fifteen days prior to the first meeting of the Board at which it will be formally considered.
- (e) **Advertisements.** One advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed at least 15 days before the hearing. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such minor deviation.
- (f) **Regular Meetings.** The Board's regular meeting date is the second Tuesday of each month at 7:00 p.m. If the regular meeting date falls on a holiday, or if the regular meeting date falls on a Tuesday immediately following a Monday holiday, the meeting date shall be moved to the next working day. Meetings shall be held in the Committee Room of the Governmental Center, unless otherwise indicated.
- (g) **Exceptions to Regular Meeting Dates.** If a quorum of the members is not present or anticipated, then the regular meeting may be canceled and rescheduled to the next regularly scheduled meeting or to the earliest possible date determined by the Chairperson of the Board. If no requests have been received 21 days before the date of a regularly scheduled meeting, the meeting may be canceled by the Zoning Administrator.
- (h) **Application Contents.** In addition to all other requirements of statute and ordinance, applications shall be in a form determined by the Zoning Administrator and shall contain such information as the Zoning Administrator shall direct. Such applications shall also include the following:
 - (1) A site plan or site diagram reflecting accurate dimensions of the property, the

- location of structures on the property and the location of buildings on adjacent properties. If requested by the Board or the Zoning Administrator, such drawing shall be a survey performed by a registered land surveyor.
- (2) The name, address and telephone number of the applicant and all authorized agents of the applicant.
 - (3) The application must be signed by the owner or someone acting upon written consent of the owner, which written consent must be submitted with the application.
 - (4) All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.
- (i) **Conflict of Interest.** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. Before deliberating any appeal, the Chairman shall ask if any member has such a conflict.
 - (j) **Representation at Hearing.** The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the discretion of the Board.
 - (k) **Reconsideration.** An applicant may re-appeal a decision after twelve months from the decision of the Board. The Board will not reconsider any appeal within twelve months from the date of the decision unless it can be shown by the applicant that there has been substantially changed circumstances affecting the appeal, which circumstances were not known to the Board at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.
 - (l) **Instructions.** The Zoning Administrator shall prepare a written description of the procedures of the Board and instructions to all potential applicants. Such written instruction shall be submitted to the Board for its approval prior to public distribution.
 - (m) **Other Rules.** The Board may adopt such other rules to govern its procedure as it deems advisable, provided such rules are not in conflict with statute or ordinance.

I hereby certify that the above document was adopted by the Traverse City Board of Zoning Appeals at their September 8, 2015, Regular Meeting.

David Weston, Secretary
Traverse City Board of Zoning Appeals